

1 Anthony R. Bisconti, State Bar No. 269230
tbisconti@bklwlaw.com

2 **BIENERT KATZMAN LITTRELL WILLIAMS LLP**

3 360 W. 2nd Street, Ste. 625

4 Los Angeles, CA 90012

Telephone (213) 528-3400

Facsimile (949) 369-3701

5 Attorneys for Specially-Appearing Defendants
6 TL x HF LLC and Loyalist, LLC

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 COLLEGESTREET IMPORT &
11 EXPORT (TIANJIN) CO., LTD.,

12 Plaintiff,

13 v.

14 XL X HF LLC, LOYALIST, LLC, and
15 DOES 1 -20, inclusive,

16 Defendants.
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Case No. 4:23-cv-02303-AGT

**SPECIALLY APPEARING
DEFENDANTS TL X HF LLC
AND LOYALIST, LLC'S
RESPONSE TO OSC RE:
SUBJECT-MATTER
JURISDICTION [DKT. NO. 21]**

[Removed from the Superior Court of
the State of California, County of
Alameda]

Alameda Superior Court
Case No. 23CV028584

Action Filed: March 2, 2023
Trial Date: None Set

1 Defendants Loyalist LLC (“Loyalist”) and XL X HF LLC (“XLxHF” and,
2 together with Loyalist, “Defendants”) submit this response to the Court’s *OSC Re:*
3 *Subject Matter Jurisdiction* (the “OSC”) entered August 11, 2023. Dkt. No. 21, as
4 follows:

5 Defendants have carefully reviewed the OSC and appreciate the time and
6 attention the Court and its staff has given this matter. Defendants believe their
7 unchallenged notice of removal of this case contains sufficient allegations, which
8 are undisputed, for this Court to maintain subject-matter jurisdiction over this
9 proceeding. *See, e.g. Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S.
10 81, 87 (2014) (“ . . . a defendant seeking to remove a case to a federal court must file
11 in the federal forum a notice of removal containing a short and plain statement of
12 the grounds for removal. § 1446(a). By design, § 1446(a) tracks the general pleading
13 requirement stated in Rule 8(a) of the Federal Rules of Civil Procedure.) (internal
14 quotation and citation omitted). “The legislative history of § 1446(a) is
15 corroborative. Congress, by borrowing the familiar ‘short and plain statement’
16 standard from Rule 8(a), intended to simplify the pleading’ requirements for
17 removal and to clarify that courts should apply the same liberal rules [to removal
18 allegations] that are applied to other matters of pleading.” *Id.* (internal citations and
19 quotations omitted) (disapproving decisions requiring “detailed pleading”).

20 Notwithstanding the foregoing, and while reserving all arguments
21 Defendants have raised in their motion to dismiss this case, Defendants do not
22 otherwise oppose the Court’s remand to Alameda County superior court if the Court
23 determines that it does not have subject-matter jurisdiction over these proceedings
24 based on the record currently before it.

25 Dated: August 18, 2023

BIENERT KATZMAN
LITRELL WILLIAMS LLP

26 By: /s/ Anthony R. Bisconti
27 Anthony R. Bisconti
28 Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants who have entered their appearance as counsel of record.

/s/ Toni Thomas

Toni Thomas